

REMARKS / DISCUSSION OF ISSUES

The present amendment is submitted in response to the Office Action mailed August 13, 2009. In view of the remarks to follow, reconsideration and allowance of this application are respectfully requested.

Status of Claims

Claims 1-13, 15-29 and 31 remain in this application. Claims 1, 21 and 26 have been amended. The claims are not believed to be narrowed in scope and no new matter is added.

Claim Rejections under 35 USC 112, second paragraph

In the Office Action, claims 1-13, 15-29, and 31 was rejected under 35 U.S.C. §112, second paragraph. The rejection of claims 1-13, 15-29, and 31 is understood to be based on the premise that the limitations added with the amendment filed 7 July, 2009 render the present claims indefinite. Applicants have amended independent claims 1, 21 and 26 by removing the limitations added with the amendment filed 7 July, 2009. The applicants respectfully request the Examiner's reconsideration of the rejection of claims 1-13, 15-29, and 31 under 35 U.S.C. 112, second paragraph, in view of the above remarks.

Claim Rejections under 35 USC 112, first paragraph

In the Office Action, claims 1-13, 15-29, and 31 was rejected under 35 U.S.C. §112, first paragraph. The rejection of claims 1-13, 15-29, and 31 is understood to be based on the premise that the limitations added with the amendment filed 7 July, 2009 fail to comply with the written description requirement. As stated above, Applicants have amended independent claims 1, 21 and 26 by removing the limitations added with the amendment filed 7 July, 2009. The applicants respectfully request the Examiner's reconsideration of the rejection of claims 1-13, 15-29, and 31 under 35 U.S.C. 112, first paragraph, in view of the above remarks.

Rejections under 35 U.S.C. §103(a)

The Office rejects Claims 1, 3, 4, 9, 10, 13, 15, 26 and 28 under 35 U.S.C. §103(a) over U.S. Patent No. 6,901,210 ("Heo") in view of U.S. Patent No. 6,693,869 ("Ballantyne"), further in view of U.S. Patent No. 6,636,958 ("Abboud"), and further in view of U.S. Patent No. 6,260,043 ("Puri"). Applicants respectfully traverse the rejections.

Claims 1, 3, 4, 9, 10, 13, 15, 26 and 28 are allowable

Independent claim 1 has been amended herein to better define Applicant's invention over the combination of Heo, Ballantyne, Abboud and Puri. It is therefore respectfully submitted that claim 1 now recite limitations and/or features which are not disclosed by Heo, Ballantyne, Abboud and Puri, individually and in combination. Accordingly, the cited portions of Heo, Ballantyne, Abboud and Puri do not anticipate claim 1, because the cited portions of Heo, Ballantyne, Abboud and Puri fail to disclose every element of claim 1. For example, the cited portions of Heo, Ballantyne, Abboud and Puri fail to disclose or suggest, *"wherein the record carrier is subdivided into fragments and said at least one predetermined parameter comprises a partition descriptor information (PD) for specifying a fragment allocation to define a not necessarily contiguous space associated with the partition"*, as recited in claim 1.

In the Office Action, Heo is cited for allegedly teaching a drive device for providing access to a record carrier, where the drive device comprises access means for providing one of read or write access to at least one predetermined parameter written on a predetermined navigation area (DN) on the record carrier. The at least one predetermined parameter specifying at least one of a logical format and an application format used on the record carrier. Heo is further cited for allegedly teaching that the record carrier is partitioned into at least a **first partition** for including first content of a first type and a **second partition** for including second content of a second type so that a first access device accesses the first content and a second access device accesses the second content, the first type being different from the second type.

Ballantyne is cited by the Office for remedying a deficiency in Heo. Specifically, Ballantyne is cited for teaching that the access means is arranged to write to the navigation area, location information of data accessed at a rate higher than an access pattern information for sequential data retrieval and for teaching that space is dynamically moved between the first partition and the second partition and wherein the access means is further configured to see all files of multiple formats included in the record carrier including recognizing a file having one format on the record carrier without understanding the content of the file, and

ignoring the file having the one format.

Abboud is cited by the Office for remedying a deficiency in Heo/Ballantyne. Specifically, Abboud is cited by the Office for teaching that space is dynamically moved between the first partition and the second partition.

As admitted by the Office at page 9 of the Action, Heo/Ballantyne/Abboud do not teach that said access means is further configured to see all files of multiple formats included in the record carrier without understanding content of the file, and ignoring the file having the one format without making an attempt to interpret the file having the one format. To remedy this deficiency in Heo/Ballantyne/Abboud, the Office cites Puri for teaching an access means that is configured to see all files of multiple formats included in the record carrier including recognizing a file having one format on the record carrier without understanding content of the file, and ignoring the file having the one format without making an attempt to interpret the file having the one format.

Applicants respectfully submit that none of Heo/Ballantyne/Abboud/Puri teach or suggest the newly added claim limitation to claim 1, namely, *"wherein the record carrier is subdivided into fragments and said at least one predetermined parameter comprises a partition descriptor information (PD) for specifying a fragment allocation to define a not necessarily contiguous space associated with the partition"*, as recited in claim 1. Applicants respectfully submit that the invention requires that the record carrier be fragmented and comprises a partition descriptor information (PD) for specifying a fragment allocation to define a ***not necessarily contiguous space*** associated with the partition. It is respectfully submitted that none of Heo/Ballantyne/Abboud/Puri teach a fragmented record carrier having a fragment allocation which accommodates non-contiguous data sections. In other words, the invention requires a fragment allocation that allows non-contiguous partitions. The effect of which is a flexible formatting that accommodates various amounts of space for respective formats. The invention teaches the allocation of the recording area to the various formats and applications by fragmenting the recording area and allocating the fragments, ***not necessarily contiguous to the formats***. More particularly, the invention allows extending the partitions by modifying the allocation of fragments. Advantageously, a flexible size and interleaved

partitions are accommodated, while at the same time each partition has its respective, different data format. It is noted that Heo teaches the accommodation of multiple (two) formats. However, it should be understood that the order and location of the two data sections are defined by the standard applicable to the record carrier. In contrast to Heo, the invention allows flexible allocations of recording space to partitions. It is further noted that while Ballantyne is cited for teaching that space is dynamically moved between the first partition and the second partition, this is different from extending the partitions by modifying the allocation of fragments, which are not **necessarily contiguous to the formats**.

Therefore, the cited portions of the above reference fail to disclose or suggest at least one element of claim 1. Hence, claim 1 is allowable.

Claims 1, 3, 4, 9, 10, 13, 15, and 28 depend from claim 1, and are therefore allowable at least by virtue of their dependence from allowable claim 1.

Independent Claim 26 recites similar subject matter as Independent Claim 1 and therefore contains the limitations of Claim 1. Hence, for at least the same reasons given for Claim 1, Claim 26 is believed to recite statutory subject matter under 35 USC 103(a).

Claims 2, 5, 7, 8, 11 and 12 are allowable

The Office rejects Claims 2, 5, 7, 8, 11 and 12 under 35 U.S.C. §103(a) over Heo in view of Ballantyne in view of Abboud as applied to claim 1 and further in view of U.S. Patent Application No. 2002/0181376 ("Acker"). Applicants respectfully traverse the rejections.

As explained above, the cited portions of Heo, Ballantyne and Abboud do not disclose or suggest each and every element of claim 1 from which claims 2, 5, 7, 8, 11 and 12 depend. Acker does not disclose each of the elements of claim 1 that are not disclosed by Heo, Ballantyne and Abboud. Acker is cited merely for teaching at least one predetermined parameter comprises a disc descriptor information for specifying at least one of an identification of said record carrier, a type of said record carrier, and parameters applying to said record carrier as a whole.

Thus, the cited portions of Heo, Ballantyne, Abboud and Acker, individually or in combination, do not disclose or suggest each and every element of claim 1. Hence claim 1 is allowable and claims 2, 5, 7, 8, 11 and 12 are allowable, at least by virtue of their respective dependence from claim 1.

Claim 6 is allowable

The Office rejects Claim 6 under 35 U.S.C. §103(a) over Heo in view of Ballantyne in view of Abboud in view of Puri as applied to claim 1 and further in view of U.S. Patent Application No. 2002/0131767 (“Auwens”). Applicants respectfully traverse the rejections.

As explained above, the cited portions of Heo, Ballantyne, Abboud and Puri do not disclose or suggest each and every element of claim 1 from which claim 6 depends. Auwens does not disclose each of the elements of claim 1 that are not disclosed by Heo, Ballantyne, Abboud and Puri. Auwens is cited merely for teaching caching control information recorded by a drive device.

Thus, the cited portions of Heo, Ballantyne, Abboud, Puri and Auwens, individually or in combination, do not disclose or suggest each and every element of claim 1. Hence claim 1 is allowable and claim 6 is allowable, at least by virtue of its respective dependence from claim 1.

Claims 16 and 17 are allowable

The Office rejects Claims 16 and 17 under 35 U.S.C. §103(a) over Heo in view of Ballantyne in view of Abboud in view of Puri as applied to claim 1 and further in view of U.S. Patent Application No. 2003/0103429 (“Senshu”). Applicants respectfully traverse the rejections.

As explained above, the cited portions of Heo, Ballantyne, Abboud and Puri do not disclose or suggest each and every element of claim 1 from which claims 16 and 17 depend. Senshu does not disclose each of the elements of claim 1 that are not disclosed by Heo, Ballantyne, Abboud and Puri. Senshu is cited merely for teaching said access means is arranged to apply a volume-based rights management to sessions of an information area of

said record carrier.

Thus, the cited portions of Heo, Ballantyne, Abboud, Puri and Senshu, individually or in combination, do not disclose or suggest each and every element of claim 1. Hence claim 1 is allowable and claims 16 and 17 are allowable, at least by virtue of their respective dependence from claim 1.

Claims 19 and 20 are allowable

The Office rejects Claims 19 and 20 under 35 U.S.C. §103(a) over Heo in view of Ballantyne in view of Abboud in view of Puri as applied to claim 1 and further in view of U.S. Patent Application No. 2003/009334 ("Printz"). Applicants respectfully traverse the rejections.

As explained above, the cited portions of Heo, Ballantyne, Abboud and Puri do not disclose or suggest each and every element of claim 1 from which claims 19 and 20 depend. Printz does not disclose each of the elements of claim 1 that are not disclosed by Heo, Ballantyne, Abboud and Puri. Printz is cited merely for teaching said drive device comprises a standard interface for storage devices.

Thus, the cited portions of Heo, Ballantyne, Abboud, Puri and Printz, individually or in combination, do not disclose or suggest each and every element of claim 1. Hence claim 1 is allowable and claims 19 and 20 are allowable, at least by virtue of their respective dependence from claim 1.

Claims 21-24 are allowable

The Office rejects Claims 19 and 20 under 35 U.S.C. §103(a) over Acker in view of Heo further in view of Abboud and further in view of Puri.

Independent Claim 21 recites similar subject matter as Independent Claim 1 and therefore contains the limitations of Claim 1. As explained above, the cited portions of Acker, Heo, Abboud and Puri do not disclose or suggest each and every element of claim 1. Hence, for at least the same reasons given for Claim 1, Claim 21 is believed to recite statutory

subject matter under 35 USC 103(a).

Claims 22-24 depend from claim 21, and are therefore allowable at least by virtue of their dependence from allowable claim 21.

Claim 25 is allowable

The Office rejects Claim 25 under 35 U.S.C. §103(a) over Heo in view of Abboud in view of Puri as applied to claim 21 and further in view of U.S. Patent Application No. 2002/0064111 ("Horic"). Applicants respectfully traverse the rejection.

As explained above, the cited portions of Heo, Abboud and Puri do not disclose or suggest each and every element of claim 21 from which claim 25 depends. Horic does not disclose each of the elements of claim 21 that are not disclosed by Heo, Abboud and Puri. Horic is cited merely for teaching that sessions have varying size.

Thus, the cited portions of Heo, Abboud, Puri and Horic, individually or in combination, do not disclose or suggest each and every element of claim 21. Hence claim 21 is allowable and claim 25 is allowable, at least by virtue of its respective dependence from claim 21.

Claims 27 and 31 are allowable

The Office rejects Claims 27 and 31 under 35 U.S.C. §103(a) over Heo in view of Ballantyne in view of Abboud in view of Puri as applied to claims 1 and 26 and further in view of U.S. Patent No. 6,081,447 ("Lofgren"). Applicants respectfully traverse the rejections.

As explained above, the cited portions of Heo, Ballantyne, Abboud and Puri do not disclose or suggest each and every element of claim 1 from which claims 27 depends and claim 26 from which claim 31 depends. Lofgren does not disclose each of the elements of claim 1 that are not disclosed by Heo, Ballantyne, Abboud and Puri. Lofgren is cited merely for teaching at least one predetermined parameter further specifies an allocation history of volatile files and, based on the history, said access means being further configured to re-

allocate volatile files if written as many times as half an expected recyclability of the record carrier.

Thus, the cited portions of Heo, Ballantyne, Abboud, Puri and Lofgren, individually or in combination, do not disclose or suggest each and every element of claim 1 or claim 26. Hence claim 1 and claim 26 are allowable and claims 27 and 31 are allowable, at least by virtue of their respective dependence from claims 1 and 26.

Claim 29 is allowable

The Office rejects Claim 29 under 35 U.S.C. §103(a) over Acker in view of Heo in view of Abboud in view of Puri and further in view of Lofgren. Applicants respectfully traverse the rejection.

As explained above, the cited portions of Acker, Heo, Abboud and Puri do not disclose or suggest each and every element of claim 21 from which claim 29 depends. Lofgren does not disclose each of the elements of claim 21 that are not disclosed by Acker, Heo, Abboud and Puri. Lofgren is cited merely for teaching at least one predetermined parameter further specifies an allocation history of volatile files.

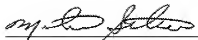
Thus, the cited portions of Acker, Heo, Abboud, Puri and Lofgren, individually or in combination, do not disclose or suggest each and every element of claim 21. Hence claim 21 is allowable and claim 29 is allowable, at least by virtue of its respective dependence from claim 21.

Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 1-13, 15-29 and 31 are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Mike Belk, Esq., Intellectual Property Counsel, Philips Electronics North America, at 914-945-6000.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Michael A. Scaturro', is written over a horizontal line.

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